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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,743	04/02/2004	Jon Chick	040002	1393
49614	7590	08/02/2005	EXAMINER	
JAMES RICHARDS 58 BONING RD FAYETTEVILLE, TN 37334			JACYNA, J CASIMER	
			ART UNIT	PAPER NUMBER
			3751	
DATE MAILED: 08/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,743

Applicant(s)

CHICK, JON

Examiner

J. Casimer Jacyna

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04022004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7, 11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Reuschel et al. Reuschel discloses a valve operator including a pivoting handle 34 that is held in place but pivots with respect to the telescoping shafts as claimed, a first shaft 22 that pivots at 48, a telescoping second shaft 12, a valve coupling element 40 and a locking mechanism (see claim 11) 28. In regard to claims 3 and 13, folding handles 50 are connected at one end.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reuschel et al. in view of Corral. Reuschel discloses a valve operator with telescoping shafts and a locking mechanism 28 substantially as claimed but does not disclose a spring loaded button. However, Corral teaches another valve operator with telescoping

shafts having a spring loaded button locking mechanism for the purpose of allowing for quicker adjustment of the telescoping shafts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the shafts of Reuschel with a spring loaded button as, for example, taught by Corral in order to allow for quicker adjustment of the telescoping shafts.

5. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Stinnett. Stinnett discloses a valve operator including a handle 34 with folding sections 20, a first shaft 40, an inner telescoping second shaft 50, and valve coupling elements 25.

6. Claims 1, 2, 4-6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stinnett in view of Bate. Stinnett discloses a valve operator with a folding handle 20 substantially as claimed but does not disclose the handle to pivot. However, Bate teaches another tool operator with a folding ahandle 15 for the purpose of allowing for quicker adjustment of the handle and ensuring against loss of detached parts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the handle of Stinnett with a pivot as, for example, taught by Bate in order to allow for quicker adjustment of the handle and ensure against loss of detached parts. In regard to claim 11, Stinnett discloses a locking mechanism 27.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stinnett in view of Bate as applied to claim 1 above, and further in view of Hoelscher. Stinnett discloses a valve operator with a plurality of different and exchangeable coupling

elements 25 substantially as claimed but does not disclose a V-shaped coupling element. However, Hoelscher teaches another tool operator with a V-shaped coupling element as shown in figure 9 for the purpose of coupling the tool operator to radiator and other valves that require a V-shaped coupler. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the operator of Stinnett with an additional coupling part that is V-shaped as, for example, taught by Hoelscher in order to couple the tool operator to radiator and other valves that require a V-shaped coupler.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stinnett in view of Bate as applied to claim 1 above, and further in view of Hoelscher. Stinnett discloses a valve operator with telescoping shafts and a locking mechanism 27 substantially as claimed but does not disclose a spring loaded button. However, Corral teaches another valve operator with telescoping shafts having a spring loaded button locking mechanism for the purpose of allowing for quicker adjustment of the telescoping shafts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the shafts of Stinnett with a spring loaded button as, for example, taught by Corral in order to allow for quicker adjustment of the telescoping shafts.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Block teaches another type of valve coupler. Shyu teaches the use of a pivoting and folding handle on an extended wrench operator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Wed. thru Fri. 9AM-7PM, Mon. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 703-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Casimer Jacyna
Primary Examiner
Art Unit 3751

JCJ